

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re Intel Laptop Battery Litigation,
_____ /

NO. C 09-02889 JW
NO. C 10-00573 SC

Vicky Baker and Mike's Inc., on behalf of
themselves and all others similarly situated,

**ORDER GRANTING MOTION TO
RELATE CASES**

Plaintiffs,

v.

Acer America Corporation, et al.,

Defendants.
_____ /

Presently before the Court is Plaintiffs' Motion to Consider Whether Cases Should Be Related.¹ Plaintiffs seek the Court's determination as to whether In Re Intel Laptop Battery Litigation, Case No. C 09-02889 JW ("First Action"), should be related to Vicky Baker and Mike's Inc. v. Acer America Corp., et al., Case No. C 10-00573 SC ("Second Action"). Plaintiffs represent that counsel for Plaintiffs in the Second Action as well as Defendants consent to having these Actions related.²

Civil Local Rule 3-12(a) provides:

An action is related to another when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.


¹ (See Administrative Motion to Consider Whether Cases Should Be Related, hereafter, "Motion to Relate," Docket Item No. 64 in Case No. 09-02889 JW.)

² (See Declaration of Eric H. Gibbs in Support of Plaintiffs' Administrative Motion to Consider Whether Cases Should be Related ¶ 4, Docket Item No. 65 in Case No. 09-02889 JW.)

1 Here, the Court finds that the Actions involve substantially the same parties and events. The
2 allegations are directed primarily against Defendant Intel Corp. (“Intel”) in both actions (indeed,
3 Intel is the only Defendant in the Second Action). The gravamen of both actions is that Defendant
4 Intel engaged in unfair business practices by using another company as a front to “independently”
5 test Intel’s products with favorable results for Intel. In light of the substantial similarity of parties
6 and events underlying the claims, the Court finds that there is a risk of “an unduly burdensome
7 duplication of labor and expense or conflicting results if the cases are conducted before different
8 Judges.” Thus, the Court finds that the cases are related within the meaning of Rule 3-12(a).

9 Accordingly, the Clerk of Court shall immediately relate In Re Intel Laptop Battery
10 Litigation, Case No. C 09-02889 JW, and Vicky Baker and Mike’s Inc. v. Acer America Corp., et
11 al., Case No. C 10-00573 SC.

12
13
14 Dated: March 11, 2010



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: March 11, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy